

Amendment under 37 C.F.R. §1.111  
Attorney Docket No. 031029  
Application No. 10/647,247

**REMARKS**

Claims 1, 3, 5-11, 14-19 and 21-25 are pending in the present application. Claim 1 is herein amended. Claims 21-25 are newly added. No new matter has been presented.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1, 3, 5, 6, 8-11, 14, 15, 18 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** (EP 1152036) in view of **Boucher** (US 3,912,450); claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** in view of **Boucher**, and further in view of **Suzuki** (US 6,043,145); and claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Kanda** in view of **Boucher**, and further in view of **Takahashi** (US 6,537,719) and **Tanaka** (US 6,555,617).

Favorable reconsideration is requested.

Applicants respectfully submit that Kanda in view of Boucher does not teach or suggest:

wherein the resist pattern smoothing material comprises at least one of cationic surfactants, anionic surfactants, and amphoteric surfactants as recited in amended claim 1.

The Office Action acknowledged that Kanda does not disclose a surfactant as recited in the claims. (Office Action, page 3.) The Office Action cited Boucher for teaching the use of a polyoxyethylene surfactant.

Boucher, at col. 5, lines 28-42, discloses the use of nonionic polyoxyethylene as a nonionic surfactant. However, Boucher does not disclose that the resist pattern smoothing material comprises at least one of cationic surfactants, anionic surfactants, and amphoteric

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surfactants. Thus, Kanda in view of Boucher does not teach all of the elements as recited in the claims.

### **New Claims**

Claim 21 recites “wherein the structure of the polyoxyalkylene alkylether surfactant is a linear chain structure.” The structure of the nonionic polyoxyethylene disclosed in Boucher is not a linear chain structure. (*See* Boucher, col. 5; and claims 1 and 3.)

The structure of the surfactant TN-80 described in the Examples of the present application is a linear chain structure. The following is a summary of information regarding TN-80 from the attached catalog:

PRODUCT NAME	CLASSIFICATION	COMPOSITION	CHARACTERISTICS
ADEKA TOL SP/PC series	Nonionic	Special phenol ethoxylate	Good Detergency, Penetration, Emulsification,
ADEKA TOL TN/SO/UA series		Higher alcohol ethoxylate	Solubilization, Dispersion, Lubrication, Low Toxicity, Low Irritation

PRODUCT NAME	MAIN INGREDIENT /COMPOSITION STRUCTURAL FORMULA	PHYSICAL PROPERTY	CLOUD POINT °C	HLB	CHARACTERISTICS /APPLICATIONS	PACK-AGE
TN-40			< 0	9.4	·Excellent Detergency ·Excellent Wetting, Penetration	16 kg Can
TN-80 TN-90 (experimental)	Primary alcohol ethoxylate RO(CH <sub>2</sub> CH <sub>2</sub> O) <sub>n</sub> H	Transparent liquid	49	12.8	·Excellent Emulsification, Solubilization ·Washing ·Toiletry ·Various Industries	16 kg Can
TN-100			75	13.8		18 kg Can

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**Double Patenting**

Claims 1, 3, 5-11 and 14-19 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/290,493.

Applicants will address the provisional double patenting rejection once all other rejections have been withdrawn.

For at least the foregoing reasons, claims 1, 3, 5-11, 14-19 and 21-25 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1, 3, 5-11, 14-19 and 21-25 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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AGM/adp:da  
Attachment: DEKA Catalog